

Senate bill No. 104, entitled "An act to encourage the location and building of manufacturing establishments in the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

LANE,

For Majority of Committee.

Bill read first time.

Senator Abercrombie gave notice of his intention to file a minority report.

On motion of Senator Frank, Senate bill No. 43, a bill to be entitled "An act to purchase State convict farms and improve the same, and work convicts thereon, and to make an appropriation therefor,"

Was made the special order for Saturday after morning call.

Senator Glasscock called up

Senate bill No. 9, a bill to be entitled "An act fixing a lien for owners of pastures or those in charge of pastures on such stock as are placed in their pastures by the respective owners or persons in charge of such stock, to secure the payment of pasture fees or charges."

With pending amendment by Senator Lane, as follows:

Strike out in line 1, "or those in charge," and insert "or lessees," and make same amendment in line 4.

The amendment was adopted.

Senator Field moved to

Amend by adding the following proviso: "Provided there is a contract between the parties as to the amount of pasturage to be charged."

Lost.

(Senator McDonald, President pro tem., in the chair.)

Senator Lane moved to

Amend by adding: "And such lien shall exist only for ten days after such stock are removed from such pasture."

Adopted.

Senator Burges moved to reconsider the vote by which Senator Field's amendment was lost.

(President in the chair.)

On motion of Senator Pope,

The Senate adjourned till ten o'clock to-morrow morning.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Townsend,

The reading of the Journal of yesterday was dispensed with.

Senator Johnson offered the following resolution:

Resolved, That one-half of the printed copy of Senate bill No. 94, be sent to the House of Representatives, to which the same belongs, and where, perhaps, the same is needed, and that the House be requested to forward to Senate such portion of said Senate bill No. 94, as may be in its possession. And that the Committee on Public Printing be requested to inquire into the manner and method of printing bills and to suggest, if possible, improvements therein.

Adopted.

The following message was received from the House.

HOUSE OF REPRESENTATIVES.

Twenty-first Legislature,

AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed Senate House bill No. 319, a bill to be entitled "An act for the relief of railway companies chartered since January 1, 1887, which have failed or may fail to comply with article 4278, Revised Statutes."

W. M. IMBODEN,

Chief Clerk of the House.

The President referred

Senate House bill No. 319 to the Committee on Internal Improvements.

Senator Kimbrough sent up the following appeal, and asked to have it printed in the Senate Journal, viz:

An appeal for the relief of Greer county:

To the Officers and Members of the Twenty-first Legislature:

We most respectfully ask you to hear and carefully consider this our appeal for relief.

We settled in Greer county, firmly believing that we had and would receive from the State titles to our lands. Carefully studying the land laws of the State relative to certificates and the location thereof, and especially the constitutional provision for homestead donation, some of us made location by virtue of veteran donation certificates, and others

SIXTEENTH DAY.

SENATE CHAMBER,

AUSTIN, January 25, 1889.

Senate met pursuant to adjournment.

locating under the homestead laws, a sufficient number of us, so that in July, 1886, we organized the county of Greer, State of Texas, as under the General Laws of the State we had a right to do, being recognized by the executive departments of the State as a body of freeholders.

We started very nicely, having taxable property upon which to raise revenue sufficient for all ordinary purposes of a new county. Our prosperity was short lived. Notwithstanding the fact that the Nineteenth Legislature had by a large majority refused to cancel patents issued on lands in our county, the Hon. Attorney General of the State brought suit against land holders, and our titles were annulled, not only as to certificate locations, but all claims of every nature, thereby leaving us in the anomalous condition, an organized county without a freeholder. Believing that our occupancy depended upon maintaining the jurisdiction of the State, having been ordered out on our first settling, in June, 1884, by the United States authorities, and having maintained the position by us taken, that we were occupying, and had a right to occupy, lands patented to individuals by the State of Texas, and that under the treaty of annexation the State had jurisdiction. Through the efforts of Ex-Governor Ireland, assisted by our State delegation in Congress, President Arthur was convinced and rescinded his order of removal and allowed the settlement to continue. He also had a commission appointed as by treaty provided, for the marking of the boundary line. This commission, however, failed to agree for the reason that the military gentlemen composing it on the part of the United States persisted in being governed by instructions rather than by the provisions of the treaty and the act of Congress under which they were appointed. Feeling and fully appreciating the cruel manner in which the decision of the Supreme Court had left us, that is, in the position of trespassers, when in fact our every act had been in good faith as law-loving, law-abiding citizens, we looked about for relief and thought we had discovered it in the acts of the last Legislature giving the Commissioner of the Land Office complete control of the school lands of the State; therefore we urged him to classify the lands of our county and place them upon the market, which, under the advice of Attorney General Hogg,

Mr. Hall proceeded to do, in such manner, however, as to arouse the opposition of quite a number of settlers who were claiming under the homestead laws, and in order to defeat his man they petitioned the President of the United States, in answer to which Mr. Cleveland, in February last, issued his proclamation restraining the State authorities from selling the lands of Greer county. We are yet maintaining the authority of the State in all other respects. It is, however, a very difficult matter to do so, and is only a question of time as to how long we can continue, as the State and county tax is only on personal property, it does not raise sufficient revenue, and our county is an expense to the State. A considerable amount of the personal property consists in horses and cattle owned by non-residents, and quite a number of them are prepared to resist payment of tax. We humbly ask that the reservation act of the Sixteenth Legislature, the primary cause of all our troubles, be repealed, and that your honorable body place the lands of Greer county under the general land laws of the State, in every particular. That location and settlement in good faith for the purpose of acquiring homes under the rulings of Commissioner Walsh and Governor Ireland be confirmed, with metes and bounds, as originally made at time of settlement. That all claims of land to the exclusion of others be listed for taxation. This will satisfy the wishes and demands of all actual settlers, except in a few instances where land is very desirable on account of town site, etc.

The constitutional provision donating one-half the land to the school fund may be secured by an amendment to the homestead donation laws, requiring the settler to survey and return field notes of like quantity to be patented to the school fund, and this amendment should apply to all the unsurveyed domain of the State, and not especially to Greer county. Settlers were coming in fast at the time the State agent was segregating and classifying the land, and there are many ready and anxious to buy the school land. In many instances they have improved by fencing and otherwise, to the extent of six hundred and forty acres—the limit as to agricultural lands. Their claims, however, are not of record, and we have among us quite a number who are advocating a limit to one hundred and

sixty acres, and six hundred and forty acre claims are in some instances disregarded, causing much contention getting worse daily. While we all occupy the opprobrious position of trespassers, the decision of the Supreme Court clouding even recorded claims, there is no chance for settlement of our disputes, and shot-gun law is likely to be put in practice at any time. Let the State confirm our titles and we will be in condition to maintain and uphold her courts. We are asked "What will you do if cut off from the State?" We will be in position to contend for our rights, as individual citizens, if the State will restore us to full citizenship, and we will depend upon common law, recognized by all civilized nations, that "change of government does not affect individual rights." If you neglect to do this, and the boundary line is established, cutting us off from the State, we are left as trespassers on Indian lands, unintentionally and innocently on our part, for the State of Texas placed us there.

Most respectfully submitted,

H. C. SWEET,
And many others.

Referred to Committee on Public Lands.

REPORTS OF STANDING COMMITTEES.

By Senator Sims:

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 112, entitled "An act to reorganize the Thirty-first, Thirty-second and Thirty-ninth judicial districts and to create the Forty-fifth and Forty-sixth judicial districts of the State of Texas; to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in the Forty-fifth and Forty-sixth judicial districts, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMS,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 163, entitled "An act to amend an act prescribing the time of holding the district courts of the Twenty-third judicial district of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMS,
Chairman.

Bill read first time.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 148, entitled "An act to regulate the sale and transfer of judgments of courts of record or of causes of action or interest therein, where suit has been filed thereon, and provide for recording such transfers,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendments:

By adding, after the word court, in the third line from the bottom of first page, the following:

"Or if judgment be not rendered when such transfer is filed the clerk shall make a minute of such transfer on the court trial docket when the suit is entered."

[The provisions of the bill are indicated by its title.]

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 53, entitled "An act to amend an act entitled an act to provide for the venue of suits for damages growing out of attachments and

sequestration suits, approved March 25, 1887,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The object of said bill being to fix the jurisdiction of suits for damages growing out of the issuance and levy of writs attachment and sequestration.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 61, entitled "An act to amend article 2342, chapter 1, title 40, of the Revised Civil Statutes of the State of Texas, in such manner that exempt personal property cannot be mortgaged except for the purchase money thereof,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 34, entitled "An act to allow parties to all suits for divorce to testify in their own behalf,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

By Senator Glasscock:

COMMITTEE ROOM,
AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

A minority of your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 34, entitled "An act to allow parties to all suits for divorce to testify in their own behalf,"

Differ in opinion with the majority of said committee and we recommend that said bill do pass.

Our statute having departed from the rule of common law to the extent of allowing parties at interest to testify in most all other civil cases, we see no reason why an exception should be made in the trial of suits for divorce.

All of which is respectfully submitted.

GLASSCOCK,
TYLER,
STEPHENS,
SIMS,
KIMBROUGH.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 132, entitled "An act to define the liability of corporations in cases of personal injuries to employes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The object of this bill is to make corporations liable in damages to their employes for injuries received on account of negligence of their fellow servants, and to take from said corporations the right to plead in defense of an action for damages by employes that injury or death was caused by the negligence or carelessness of co-employe or fellow servant.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 158, entitled "An act to amend article 2838 of the Revised Statutes,"

Have had the same under consideration, and instruct me to report it back

to the Senate with the recommendation that it do pass. The bill provides that Jewish rabbis shall be allowed to perform the marriage ceremony.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 42, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 11, entitled "An act to amend article 1192 of the Revised Civil Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that in vacation pleadings may be amended and other pleas may be filed; also provides that intervenors may file their pleas during vacation.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
Austin, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 129, entitled "An act to amend article 486, of title 17, of chapter 10, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do lie on the table, as House bill No. 15 covers the same ground.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred

House bill No. 122, entitled "An act to make all negotiable bonds and coupons held by the State of Texas in

trust for the public institutions non-negotiable,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass. The provisions of the bill are set forth in its title.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Substitute House bill No. 15, entitled "An act to amend article 486 of the Revised Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that ordinances imposing fines shall be published in the official journal for ten days after its passage, or if the paper be a weekly then such ordinance shall be published in two successive issues.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bills Nos. 50 and 52, entitled "An act to provide for the registrations of writs of execution, sequestration and attachment, and the returns of the officer of the lien on real estate by virtue of the writ or writs, and to give notice of the lien on such real estate by reason of the levy and registration thereof."

Also a bill to be an entitled "An act to provide for the recording of writs of attachment when levied on real estate and to make such record constructive notice of such attachment liens,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that instead of the original bills the accompanying substitute do pass.

The substitute provides that levies of writs of attachment shall be record-

ed and such record shall be constructive notice of said attachment liens.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time with substitute.

COMMITTEE ROOM,
AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1 to whom was referred,

Senate bill No. 96 entitled, "An act to prevent unlawful agreements and combinations, in restraint of trade and providing punishment therefor,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be considered in connection with Senate bill No. 82.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 47, entitled "An act to define trusts and provide for the punishment of persons connected with them, or carrying them on,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be considered in connection with Senate bill No. 82.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Substitute house bill No. 319, entitled "An act for the relief of railway companies chartered since January 1, 1887, which have failed to or may fail to comply with article 4278, Revised Statutes,"

Have had the same under consideration, and instruct me to report it

back to the Senate with the recommendation that it do pass.

The bill provides that the time in which any railroad company is required to begin construction and equip and put the same in running order, as provided in article 4278 of the Revised Statutes, shall be extended to January 1, 1891, and restore corporate existence to any railroad company which has failed to comply with said article 4278, in less than sixty days prior to the passage of this act; provided, this act shall not extend to any road chartered prior to January 1, 1887, and provided that no contract in favor of any railroad company shall be revived that would become void if this act were not passed.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

By Senator Atlee:

COMMITTEE ROOM,
AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Health, to whom was referred

Senate bill No. 153, entitled "An act to regulate the practice of dentistry in the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying substitute bill do pass.

The bill provides that hereafter dentists must furnish to a board of examiners satisfactory evidence of their qualifications, when they may receive license to practice dentistry, and for violation of such provision shall be fined not less than one hundred dollars nor more than two hundred dollars. The passage of this bill, your committee unanimously believe, will protect the people from the malpractices of incompetent and unscrupulous so-called dentists.

All of which is respectfully submitted.

ATLEE,
Chairman.

Bill read first time with substitute.

By Senator Seale:

COMMITTEE ROOM,
AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 16, being "An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government from March 1, A. D. 1887, to February 28, 1889, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered and other deficiencies."

And find the same correctly enrolled, and have this day, at 10:25 o'clock a. m., presented the same to the Governor for his signature.

SEALE,
Acting Chairman.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

The undersigned, constituting a minority of your Committee on State Affairs, to whom was referred

Senate bill No. 104, entitled "An act to encourage the location and building of manufacturing establishments in the State of Texas,"

Dissent from the report of the majority of said committee, and beg leave to submit the following minority report thereon:

This bill proposes to exempt from taxation, for a period of twenty years, any person, firm or association investing not less than one hundred thousand dollars in the manufacture of cotton or woolen fabrics, or the products of iron or other ores, or of any products of this State.

We believe the provisions of this bill would encourage and foster monopolies, and stifle competition, and is, therefore, obnoxious to that provision of our Constitution which declares that "monopolies are contrary to the genius of free government." It would help the rich and powerful corporation to oppress and strangle the smaller manufacturing establishments of our State, and, discriminating as it does, against the small manufacturer, and in favor of the large, it becomes at once the worst species of class legislation.

This bill we believe to be violative of one of the cardinal principles of democracy, which says, "equal rights to all, and special privileges to none," and would set a precedent at once wrong in principle and dangerous in practice. It would exempt the rich

manufacturer from the burdens of government, while it would make the small and less fortunate pay for the bounty that such class would enjoy.

We do not believe that such an emergency exists in our State that would justify us in passing such a law, and protest, therefore, against the majority report.

JNO. W. CRANFORD,
L. A. ABERCROMBIE.

The President gave notice of signing and did sign in open Senate.

Senate bill No. 16, a bill to be entitled "An act making appropriations for deficiencies in the appropriations heretofore for the payment of expenses in support of the State government from March 1, A. D., 1887, to February 28, 1889, being for payments of claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered and other deficiencies."

BILLS AND RESOLUTIONS.

By Senator Kimbrough:

A bill to be entitled "An act providing for the appointment of engineers to select a port on the gulf coast of Texas, by three engineers to be appointed by the Governor."

[This bill provides that the engineers shall examine the coast and report at which point twenty-five feet of water can be obtained up to a point accessible as a railroad terminus, for the least money and in the shortest time; that the report shall give an estimate of the probable cost of same and an outline of plans, and that the necessary appropriation be made for payment of said work.]

Referred to Committee on State Affairs.

By Senator Jarvis:

A bill to be entitled "An act to amend section 1 of an act to amend sections 6 and 9 of an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16, of the Constitution of the State of Texas authorizing the passage of stock and fence laws, approved August 15, 1876."

[This bill provides for impounding stock not permitted to run at large when found in enclosures, and that owners of said stock pay expenses for impounding; that a lawful fence need not be more than four feet high. The bill also fully defines and describes a lawful fence.]

Referred to Judiciary Committee. No. 1.

By Senator Jarvis, by request:

A bill to be entitled "An act to relieve certain classes of property from double taxation."

[This bill provides that building associations or building and loan associations organized and incorporated under the laws of the State, for the purpose of the erection of buildings and the accumulation and loan of funds for the purchase of real property in cities, towns and villages, shall not be required to pay taxes as corporate bodies, except as specified in this bill, which exempts such shares as have been taxed upon the holders of same—thus preventing taxes from being collected twice upon the same property.]

Referred to Committee on Finance.

By Senator Stephens:

A bill to be entitled "An act to provide for setting apart the excess in surveys of land made for railway or internal improvements or other purposes, and declaring the same to be a part of the public free school lands of the State, and to provide for setting apart the same for the use of the public free schools of the State."

Referred to Committee on Public Lands.

By Senator Glasscock:

A bill to be entitled "An act to regulate travel upon the public roads of this State and providing a penalty for violating the same."

[This bill seeks to require persons meeting on the public roads to give one-half of the traveled road bed by turning to the right; that persons failing to observe this provision shall be liable for any damages arising from such failure, and to a fine not exceeding five dollars, and that this law shall not hold where any obstruction prevents turning to the right.]

Referred to Committee on Roads and Bridges.

By Senator Harrison:

A bill to be entitled "An act to provide for the survey, classification and disposition of the lands embraced in chapter 19 of the general laws of the Sixteenth Legislature, approved February 25, 1879."

[This bill provides for the survey, classification and disposition of lands embraced in chapter 19 of the general laws of the Sixteenth Legislature, relating to lands in Greer county; and requires that after survey the Commissioner of the General Land Office shall select one-half of said land for the use of the public free schools, and gives actual settlers the right within six

months after such selection to buy at the minimum price fixed by law; the remaining half to be set apart as a homestead donation of one hundred and sixty acres to each head of a family and eighty acres to each single person, under the conditions prescribed by section 6, article 14, of the Constitution.]

Referred to Committee on Public Lands.

By Senator Claiborne:

WHEREAS, Statements made on the floor of the Senate during executive sessions reach the general public garbled, untrue and unfounded; therefore be it

Resolved, That reporters for newspapers and all persons whose names are presented to the Senate for confirmation be allowed seats on the floor during the vote and decision upon their confirmation or rejection.

Referred to Committee on Rules.

The following messages were received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, January 24, 1889.

To the Senate and House of Representatives in session:

GENTLEMEN—I have the honor to transmit herewith for your consideration the memorial of the State convention of county and city superintendents, county judges and teachers, held at Waco, January 18 and 19, 1889.

L. S. Ross,
Governor.

Memorial of the State convention of county superintendents, city superintendents, county judges and teachers, held at Waco, January 18, and 19, 1889.

His Excellency L. S. Ross, Governor of Texas:

The undersigned having been duly appointed a memorial committee by the State convention of county and city superintendents, county judges and teachers, held at Waco, January 18 and 19, 1889, beg leave to submit to your Excellency and respectfully request that you transmit with a special message to the Twenty-first Legislature, now in session, the following resolutions adopted by the said convention on the 19th day of January, 1889:

WHEREAS, The children of the State are not provided with school privileges for six months in each year

as contemplated and set forth in the Constitution; and

Whereas, The action of the Twentieth Legislature in providing for the office of county superintendent of schools has been productive of great good to the schools and the school interests in general, in counties where the office has been created, and it is our earnest desire that every impediment may be removed from an extension of the privilege to all sections of the State desiring the benefits of the same; and

Whereas, The abolishment of the community system and the substitution in its stead of the district system for the entire State, with due provision to render the same effective, will remove from the schools the most effectual clog to their educational progress, and be conducive to a more equitable and economic administration of the school affairs of the State; and

Whereas, It works an untold hardship upon teachers to wait from month to month for the payment of their salaries, placing them at the mercy of money-lenders and impairing their credit, usefulness and the enthusiasm which they should carry into the discharge of their duties; and

Whereas, The frequent assembling of all teachers in institutes to discuss and receive instruction pertaining to their work is absolutely essential to the effective discharge of their professional duties; therefore be it

Resolved, 1. That the Legislature is respectfully requested to give the six months school provided for in the State Constitution to all children within the scholastic ages in the State by providing necessary funds for the same.

1. That we endorse the action of the Twentieth Legislature in granting the privilege of county superintendency and that we favor the enactment of a law permitting the smaller counties to combine with other counties or with towns incorporated for school purposes, in order to secure supervision.

3. That the community system should be abolished and provision made for the enforcement of the district system throughout the State, and that the districts should conform to the justice precincts.

4. That the freeholders of each district elect in June of each year five trustees, and of those elected at first election two shall hold office for one year and three for two years, and those elected at each election

thereafter shall continue in office two years.

5. That we favor provision whereby trustees of large districts may sub-district their district and appoint sub-trustees to control schools in said sub-districts.

6. That at the election hereinbefore provided for, an election be held each year to determine whether a local tax shall be levied for the maintenance of of the schools in the district; provided, a tax has not already been voted for school purposes.

7. That the trustees provided for organize by electing one of their number chairman and another secretary, the latter to take the scholastic census of his district, for which he shall receive three cents per capita.

8. That we request provision for the prompt payment of teachers' salaries at the end of each month's service, and that we favor the following plan as the best means to accomplish the same:

That county superintendents and ex-officio superintendents, and city treasurers be required to forward to the State Board of Education at the beginning of each month an estimate of the probable amount necessary for the support of public schools in said county or city for that month, together with a statement of the funds received and expended the preceding month; and that money be sent monthly to the local treasurers upon basis of such reports.

9. That one day for each scholastic month during the scholastic year be set apart for a county teachers' institute, and that each teacher be required to attend said institute one day for each month engaged in teaching or forfeit the pro rata of the monthly salary for each day's non-attendance; and that it shall be the duty of the county superintendent or county judge to provide for the holding of such institutes.

J. D. BASS,
Chairman.

JNO. C. LATTIMORE,
Secretary.

J. D. BASS,
County judge Camp county.

C. A. BRYANT,
Memorial committee.

Referred to Committee on Education.

The Senate was notified by the Governor of the appointment of the following notaries public:

ANDERSON COUNTY.

Palestine—E. L. Gammage, L. S.
 Bushy Creek—Jno. F. Cely.
 Hays, Lucius Gooch, A. W. Gregg, A.
 J. Greenwood.

VAN ZANDT COUNTY.

Wills Point—J. G. Russell, J. G.
 Kearby, W. L. Haynes.
 Canton—T. R. Yantis, F. G. Hultz.
 Owlet Green—D. M. N. McPhail,
 W. W. Peel.
 Grand Saline—J. J. Ramsey.

CHEROKEE COUNTY.

Jacksonville—W. C. Bolton, J. E.
 Shook, H. H. Haden, T. H. Jones, M.
 L. Earle.
 Rusk—A. J. Owen, Sam P. Willson,
 E. L. Gregg, James P. Gibson, E. C.
 Dickenson, Chas. H. Martin.
 Alto—Lewis Settler, Dr. J. M. V.
 Guinn.
 Lone Star—Andrew Payne.

HENDERSON COUNTY.

Athens—W. G. Adams, J. E. Grigs-
 by, Jno. S. Jones.
 Brownsboro—W. A. McCloud.
 Chandler—R. W. Riley.
 New York—W. M. Morris

SMITH COUNTY.

Troupe—John C. Evans.

DALLAM COUNTY.

Texline—J. R. Matlock.

DONLEY COUNTY.

Clarendon—S. H. Madden, Ralph
 Jefferson.

EASTLAND COUNTY.

Eastland—A. W. DeBerry, J. E.
 Luse, A. M. Curry, W. L. Eagleton,
 G. W. Graves, L. E. Bannin.

PALO PINTO COUNTY.

W. P. Gibbs, D. M. Edwards.
 Shackelford—D. C. Campbell, Sam
 Webb, L. H. Hill.

STEPHENS COUNTY.

J. W. Shepard, William Veal, J. W.
 Veal.

FORT BEND COUNTY.

Richmond—Phil P. Pearson, T. E.
 Mitchell.
 Duke—Thos. W. DeWalt, Duke
 Hesse.

Helinora—S. S. Bohannon.
 Sartartia—Haywood Brahan.
 Foster—John Hunkin.
 Kendleton—W. R. Goss.
 Pittsville—S. W. Miller.
 Wimberley—J. C. Wimberley.

GRAYSON COUNTY.

Denison—A. H. Coffin.

GREER COUNTY.

Mangum—H. C. Sweet.

HARRIS COUNTY.

Cedar Bayon Postoffice—H. F. Gil-
 lette, R. Hoskins.
 Houston—J. B. Cochran, L. J. Cox,
 F. A. Schaefer, A. M. Baker, Wm. G.
 Sears, G. M. Beauchamp, Peter
 Christen, F. M. Poland, T. W. Archer,
 Jno. S. Stewart, A. L. Steele, S. L.
 Hain, T. B. Dupree, W. C. Wagley, J.
 C. Kidd.
 Crosby—J. C. Harvey.
 Lynchburg—John W. Campbell.

LAVACA COUNTY.

Hallettsville—R. F. Skrehot, Jesse
 Green.
 Hackberry—W. G. Chapman.
 Breslau—W. H. Striebeck.
 Oak Grove—V. G. Hermann.
 Sweet Home—D. E. Hicks.
 Hope—C. C. Haynes.
 Witting—E. O. Meritzen.
 Sublime—William Mercer Garner.

LIMESTONE COUNTY.

Mexia—W. H. Richardson, A. E.
 Firman, J. O. Harper.
 Prairie Hill—J. C. Baldwin.

NACOGDOCHES COUNTY.

Martinville—J. V. Birdwell.
 Nacogdoches—G. W. H. Matthews,
 W. H. Crouch, E. C. Branch, R. A.
 Hargis, W. J. Ratcliff, Chas. Hoya.
 Linn Flat—J. W. Murphy.

ROBERTSON COUNTY.

Hearne—Professor E. D. Sadler, J.
 H. Stewart, Willis Griffin, W. B.
 Firgson.
 Calvert—Hon. L. S. Miller, Professor
 J. W. Talley.
 Bald Prairie—J. R. Rucker.
 Hammond—Professor H. H. Thomp-
 son.
 Bremond—Professor W. W. Hollin.
 Wheelark—Monroe Thommars.
 Mamphers Prairie—Tom Berton.
 Franklin—C. S. Briganc.
 Una—J. W. Boatner.

Headshill—J. L. Brown.
Benchley—G. W. Telray.

SAN AUGUSTINE COUNTY.

San Augustine—Rufus Price, I. D. Polk.

SHELBY COUNTY.

Timpson—Carrol B. Thorp.
Center—R. L. Parker, A. W. Oliver,
Tom C. Davis.

SABINE COUNTY.

Lexton—Dr. J. M. Borders.

RUSK COUNTY.

Henderson—J. E. Smith, W. J. Graham.
Caledonia—Wm. B. Garrison.

NACOGDOCHES COUNTY.

Nacogdoches—Wm. I. Patton, John N. Wilson, W. T. Whitton.

TRINITY COUNTY.

Groveton—J. K. Stokes, Jno. E. Smith, J. P. Stevenson.
Trinity—S. A. Robb, G. C. Clegg.
Bessell—I. H. Arnold.
Apple Springs—G. W. Randolph.
Centralia—D. H. Hamilton.
Pennington—E. C. Addock.
Holly—No h Braunen.

TRINITY COUNTY.

Trinity—S. A. Robb, G. C. Clegg.
Groveton—J. K. P. Stokes.
Bissell—J. H. Arnold.
Apple Springs—G. W. Randolph.
Centralia—D. H. Hamilton.
Pennington—E. D. Craddock.
Holly—Noah Brannen.

WALKER COUNTY.

Hempstead—T. S. Reese, J. M. Pinckney, W. J. Pool, J. D. Montgomery, A. J. Harvey.
Sunny Side—H. B. Dixon, E. G. Sterling.
Patterson—Wm. Greer, D. J. Parker.
Fields' Store—M. L. Moore, I. J. McConnell.

HARRISON COUNTY.

Marshall—J. H. Carter, A. G. Adams, O. Hendrick, Angus Littlejohn, J. M. Case, S. T. Scott, W. G. Rudd, J. E. Floyd.

WALKER COUNTY.

Huntsville—G. A. Wynne.
Dodge—S. T. Burns, sr.
New Waverly—Chas. T. Besser.

On motion of Senator McDonald,
The regular order of business was suspended and

Senate bill No. 134, entitled "An act for the relief of railway companies organized under the laws of this State, that have failed, or may fail, to construct, equip and put in good running order the required number of miles of their proposed roads within the time fixed by law, and to prevent a forfeiture of their corporate existence, rights and powers on account of such failure,"

Was laid before the Senate by the following vote:

YEAS—26.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Cranford,	Pope,
Field,	Seale,
Frank,	Sims,
Glasscock,	Stephens,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Woodward.

NAYS—1.

Claiborne.

ABSENT—1.

Simkins.

Senator McDonald moved that the Senate adopt as a substitute for the bill

Substitute House bill No. 319, a bill to be entitled "An act for the relief of railway companies chartered since January 1, 1887, which have failed or may fail to comply with article 4278, Revised Statutes."

Adopted.

Senator Field moved to

Amend section I and the proviso thereto by adding the following proviso: Provided further, that this act shall not apply to any railway corporation in this State which has not, previous to the taking effect of this act, graded as much as ten miles of its road bed, and shall not each year thereafter grade as much as ten miles of its road bed.

Senator Field spoke in favor of his amendment, and

Senator McDonald opposed it.

Senator Lane moved to strike out the last clause of the amendment

Adopted.

On motion of Senator Tyler,
The amendment was tabled by the following yote:

YEAS—15.

Armistead,	Jarvis,
Atlee,	Johnson,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Simkins,
Glasscock,	Stephens,
Harrison,	Tyler.
Ingram,	

NAYS—13.

Abercrombie,	Maetze,
Allen,	Morris,
Cranford,	Seale,
Field,	Sims,
Frank,	Townsend,
Kimbrough,	Woodward.
Lane,	

The bill passed to its third reading.
On motion of Senator McDonald,
The constitutional rule was suspended, and the bill was placed on its third reading and final passage by the following vote:

YEAS—28.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
Johnson,	

NAYS—None.

The bill was read the third time and Passed by the following vote.

YEAS—21.

Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,
Burges,	Pope,
Claiborne,	Sims,
Cranford,	Simkins,
Glasscock,	Stephens.
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Woodward.
Johnson,	

NAYS—7.

Abercrombie,	Seale,
Allen,	Kimbrough.
Field,	Morris,
Frank,	

On motion of Senator Jarvis,
By unanimous consent of the Senate,
The regular order of business was suspended and

Senate bill No. 68, entitled "An act to amend articles 1006 and 1008 of an act passed by the Twentieth Legislature, approved March 25, 1887, entitled an act to amend articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 25, 1885 entitled an act to amend articles 1006, 1007 and 1008 of an act entitled an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature and approved April 9, 1883,"

Was laid before the Senate and read second time with favorable committee report.

The bill was ordered engrossed.

On motion of Senator Jarvis,
The constitutional rule was suspended and the bill was placed on its third reading and final passage by the following vote:

YEAS—26.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Cranford,	Pope,
Field,	Seale,
Frank,	Simkins,
Glasscock,	Sims,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Woodward.

NAYS—2.

Claiborne,	Stephens.
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The bill was read the third time and

Passed by the following vote:

YEAS—28.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Field,	Simkins,
Frank,	Sims,
Glasscock,	Stephens,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Woodward,

NAYS—None.

On motion of Senator Townsend, Senate bill No. 132, a bill to be entitled "An act to define the liability of corporations in cases of personal injuries to employes,"

Was made special order for Monday after morning call, and from day to day until disposed of.

On motion of Senator Claiborne, Senate bill No. 137, to be entitled "An act to relieve commercial travelers or drummers from the payment of occupation tax,"

Was made special order for Wednesday after morning call, and from day to day until disposed of.

Senate bill No. 9, a bill to be entitled "An act fixing a lien for owners of pastures, or those in charge of pastures, on such stock as are placed in their pastures by the respective owners or persons in charge of such stock to secure the payment of pasture fees or charges,"

Was laid before the Senate as unfinished business.

With Senator Burges' motion to reconsider the vote by which Senator Field's amendment was lost, pending.

The vote was reconsidered and

Senator Ingram moved to substitute the amendment by the following:

"Provided, that where no special contract is made, the customary rates for pasturage shall be paid."

Lost.

(Senator McDonald, President pro tem., in the chair.)

Senator Atlee moved to

Amend by adding: Which contract shall be in writing, and if for more than three days shall be filed in the office of the county clerk in the manner provided for chattel mortgages.

(The President in the chair.)

On motion of Senator Townsend, The amendment offered by Senator Atlee was laid on the table.

Senator Armistead moved to

Amend the amendment by adding after the word "contract" the words "in writing."

On motion of Senator Lane,

The amendment offered by Senator Armistead was laid on the table.

Senator Lane moved to

Amend by adding: "Provided that such lien shall in no manner affect the rights of prior lien holders."

Adopted.

Senator Frank moved to add the following proviso:

Provided, when a pasture owner has his pasture fees conspicuously

posted and a party shall put his stock in such pasture without special contract he shall be presumed to have agreed to the pasture fees as posted, and when he places his stock in such pasture so posted it shall be conclusively presumed he contracts to pay the fees charged, and the pasture owner shall have the lien herein provided for the payment herein provided.

Adopted.

Amend by adding to

Section 1, the words: "Provided, further, that the provisions of this act shall not apply in any case where such stock is placed in any pasture or found therein without the knowledge or consent of the owner of such pasture."

Lost.

Senator Atlee moved to strike out "special" in section 1.

Senator Townsend moved the previous question on the amendment and the bill.

Seconded.

Main question ordered.

Senator Atlee's amendment was adopted.

Senator Fields' amendment was adopted.

The Senate refused to engross the bill by the following vote:

YEAS—13.

Allen,
Claiborne,
Field,
Frank,
Glasscock,
Ingram,
Lane,

Simkins,
Stephens.
Seale,
Sims,
Townsend,
Tyler.

NAYS—15.

Abercombie,
Atlee,
Armistead,
Burney,
Burges,
Cranford,
Harrison,
Jarvis,

Johnson,
Kimbrough,
Maetz,
Morris,
McDonald,
Pope,
Woodward.

¶ [Senator Burges entered a motion to reconsider the vote just taken.

On motion of Senator Townsend,

Senate bill No. 148, a bill to be entitled "An act to regulate the sale and transfer of judgments of courts of record or of causes of action or interest therein where suit has been filed thereon, and providing for recording such transfers,"

Was made the special order for Friday after morning call, and from day to day until disposed of.

On motion of Senator Stephens, Senate bill No. 112, a bill to be entitled "An act to reorganize the Thirty-first, Thirty-second and Thirty-ninth judicial districts of, and to create the Forty-fifth and Forty-sixth judicial districts of the State of Texas, to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in the Forty-fifth and Forty-sixth judicial districts, and to repeal all laws in conflict herewith,"

Was made the special order for Friday next.

Senate bill No. 27, a bill to be entitled "An act to establish the Peabody Normal College of Texas, to provide for its location, and to make an appropriation for the support of the same for the two years ending in June, 1890 and 1891,"

Was laid before the Senate, and Read the third time and passed by the following vote:

YEAS—23.

Abercrombie,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Clalborne,	Seale,
Frank,	Simkins,
Glasscock,	Sims,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Woodward.
Kimbrough,	

NAYS—5.

Allen,	Johnson,
Cranford,	Stephens.
Field,	

On motion of Senator Lane

Senate bill No. 82, a bill to be entitled "An act to prevent unlawful combinations in restraint of commerce and trade, to insure free competition in all branches thereof throughout the State of Texas, to define said offense, and punish persons violating the same,"

Was made the special order for Thursday morning after morning call, to be considered with Senate bills Nos. 47 and 86, embracing the same subject matter.

On motion of Senator Pope,

The Senate adjourned till ten o'clock to-morrow morning.

SEVENTEENTH DAY.

SENATE CHAMBER,
AUSTIN, January 26, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Burges,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Townsend,

Senator Jarvis was excused until next Tuesday, on account of important business.

BILLS AND RESOLUTIONS.

By Senator Townsend:

A bill to be entitled "An act to amend articles 166 and 166a of the Penal Code of the State of Texas, as amended by an act approved April 2, 1887, passed by the Twentieth Legislature, regulating sales on Sunday."

[This bill provides that all places of business shall be permitted to remain open before 9 o'clock a. m., and after 4 o'clock p. m., on Sunday, and that the preceding article shall not apply to sales of burial or shrouding material, newspapers, ice, ice cream, milk, nor to sending telegraph or telephone messages, nor to keepers of drug stores, hotels, boarding-houses, restaurants, livery stables, barber shops, bath-houses or ice dealers, nor to telegraph or telephone offices, which shall be permitted to remain open all day. The fine for violating the first part of this amendment shall not be less than twenty-five nor more than fifty dollars, and each day shall constitute a separate offense.]

Referred to Judiciary Committee No. 2.

By Senator Townsend, by request:

A bill to be entitled "An act to regulate the sale of cotton in the seed and to provide a punishment for its violation."

[This bill provides,

1. That purchasers of cotton in the seed shall keep a list of the names of the persons from whom said cotton was purchased and as far as possible the names of the owners of the land on which the cotton grew.

2. That said list shall be filed with the county clerk at the end of each month.

3. That for the violation of the pro-